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AGENDA

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City of Milton
Zoning Board of Appeals
Monday, October 5, 2015
5:00 p.m.
MILTON CITY HALL
Conference Room
710 S. Janesville Street

Note: Please contact City Hall at 868-6900 if you are unable to attend to ensure that we have a quorum.

- 1. Call to order
- 2. Approve Agenda
- 3. Approve Minutes June 2, 2015
- 4. Public hearing to consider a request received from Peter and Linda Petroff, 5. S. John Paul Road, for a Variance to allow for the replacement of the current garage on the existing or close to the existing foot print. They are requesting a side yard setback reduction, a height variance, and a square footage variance per Section 78-345, Section 78-405, and Section 78-345 of the City of Milton Code of Ordinances.
- 5. Discussion and action regarding a request received from Peter and Linda Petroff, 5. S. John Paul Road, for a Variance to allow for the replacement of the current garage on the existing or close to the existing foot print. They are requesting a side yard setback reduction, a height variance, and a square footage variance per Section 78-345, Section 78-405, and Section 78-345 of the City of Milton Code of Ordinances.
- 6. <u>Public hearing</u> to consider a request received from the City of Milton, 710 S. Janesville Street, for a Variance to allow a corner lot setback reduction at the property located at 426 Parkview Drive, per Section 78-404(6) of the City of Milton Code of Ordinances.
- 7. Discussion and action regarding a request received from the City of Milton, 710 S. Janesville Street, for a Variance to allow a corner lot setback reduction at the property located at 426 Parkview Drive, per Section 78-404(6) of the City of Milton Code of Ordinances.
- 8. General Items
- 9. Motion to Adjourn

^{**}Please note that upon reasonable notice, at least 48 hours in advance, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's office at 868-6900, 710 S. Janesville Street, Milton, W1 53563.

Notice is hereby given that a majority of the Common Council may be present at the Zoning Board of Appeals Committee meeting scheduled for above noted date and time to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the Council will not take any formal action at this meeting.

Posted by: Elena Hilby 10/02/15

City of Milton Zoning Board of Appeals ~ Tuesday, June 2, 2015

Call Meeting to Order

Chairperson Polarski called the meeting to order at 6:01 p.m.

Present: Jim Polarski, Larry Laehn, Theron Dosch, Bruce Lippincott, Tom Kevern, Ken Holland, and Carl Schultz.

Also present: Director of Public Works Howard Robinson and City Clerk Elena Hilby.

Excused absence: None.

Approve Agenda

Schultz moved to approve the agenda. Kevern seconded, and the motion carried.

Approve Minutes - May 5, 2015

Schultz moved to approve the minutes. Holland seconded, and the motion carried.

Public hearing to consider a request received from Parker Community Credit Union, 110 Parkview Drive, for a Variance to allow for an increase in the amount of square footage for a monument sign and to allow two illuminated signs instead of one per Section 78-1933(4)(b)(4) and Section 78-1934 of the City of Milton Code of Ordinances.

Chairperson Polarski opened the public hearing at 6:01 p.m.

DPW Robinson explained the situation with this sign and why a variance would be needed. DPW Robinson said there have been no objections.

Chairperson Polarski closed the public hearing at 6:08 p.m.

Discussion and action regarding a request received from Parker Community Credit Union, 110 Parkview Drive, for a Variance to allow for an increase in the amount of square footage for a monument sign and to allow two illuminated signs instead of one per Section 78-1933(4)(b)(4) and Section 78-1934 of the City of Milton Code of Ordinances.

Chairperson Polarski read the standards that must be taken in consideration when granting or denying a variance.

<u>Unnecessary Hardship</u> - which is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity, is unnecessary burdensome.

<u>Unique Property Limitation</u> – a unique physical characteristic of the property, not the desires of or condition personal to the applicant, must prevent the applicant from development in compliance with the zoning ordinance.

<u>Protection of the Public Interest</u> – in granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The board's actions should be consistent with the objectives states in their local ordinance, which (in the case of a floodplains or shoreline ordinance) has been adopted to meet minimum state statutory requirements. There was no public opposition.

Additional Court – Established Principles – Violations by or variances granted to neighboring owners do not justify a variance. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.

The Board discussed the granting of a variance that stays with the property.

Lippincott moved to grant a Variance to Parker Community Credit Union, 110 Parkview Drive, to allow for an increase in the amount of square footage for a monument sign and to allow two illuminated signs instead of one. Dosch seconded, and the motion carried.

General Items

They would like to meet in the conference room from now on.

Motion to Adjourn

Holland moved to adjourn the meeting at 6:12 p.m. Schultz seconded, and the motion carried.

Respectfully submitted,

Elena Hilby City Clerk

Office of the Public Works Director

To:

Zoning Board of Appeals

From:

Howard Robinson, Director of Public Works

Date:

October 5, 2015

Cc:

Mayor Welch, Common Council Members

Subject:

Variance - Peter & Linda Petroff, 5 S. John Paul Road

Peter and Linda Petroff have submitted a variance request to replace the existing garage/shed at their property, located at 5 South John Paul Road. The property is located at the southwest corner at the John Paul Road/W. Madison Ave intersection, and the garage is on the east side of 4th Lane. The replacement garage will go in the same footprint area of the existing garage.

A variance is needed because they have street frontage on three sides of their property and are required to be 25' from the right of way. A 5' setback is requested. Currently the garage is adjacent to the right of way with little or no setback. This would be an improvement for snow plowing and visibility. The current garage is over the 800 sq. ft. area allowed for a garage. The proposed garage is also over 800 sq. ft. and matches within 39 sq. ft. of the existing garage. This allows a standard measurement to be made during construction. The current height is over 18'. The proposed height is also 4 feet, 8.25 inches over the allowable limit. This allows the owners to store equipment they already own to perform maintenance on the existing home. Placing the garage in the center of the lot would be difficult due to the slope that occurs on this lot.

The Petroffs are also cooperating with Code Enforcement to replace the building after an anonymous complaint was received about the older condition of the existing building.

Staff Recommendation

To grant a Variance to Peter and Linda Petroff to allow for the replacement of the current garage on the existing foot print.

Attachments

- Notice of Public Hearing
- Application for a Variance
- Site Plan Materials



NOTICE OF PUBLIC HEARING

The City of Milton Zoning Board of Appeals will hold a public hearing on Monday, October 5, 2015, at 5:00 p.m. in the City Hall Conference Room located at 710 S. Janesville Street, to consider a request received from Peter and Linda Petroff, 5 S. John Paul Road for a Variance to allow for the replacement of the current garage on the existing or close to the existing foot print. They are requesting a side yard setback reduction (Sec. 78-345), a height variance (Sec. 78-405, and a square footage variance (Sec. 78-345). A variance allows the replacement of the existing garage. This property is located at 5 S. John Paul Road. This property is zoned R-3 (Residential).

Code of Ordinance Sec. 78-345 and Sec. 78-405. Accessory building. Detached private garages exceeding 800 sq ft...shall be not less than eight feet from any side or rear lot line. The maximum building height in the R-3 district for a private garage is 18 feet.

All interested persons or their agents will be heard at said hearings after which final determinations will be made. This notice is given under Section 78 of the Municipal Code of Ordinances. Notice of Public Hearing is mailed to property owners within 250 feet of the subject property. The distance is measured from all corners of the subject property.

James Polarski, Chairman

Request received in office: 09/10/2015 Published in The Milton Courier: 09/24/2015 Notices mailed to the following: 09/15/2015

Adam R & Tara-Lyn Albrecht, 227 W Madison Avenue, Milton WI 53563 Burnie B & Patricia J Bailey, 305 W Madison Avenue, Milton WI 53563 Jeremiah A & Melissa M Brockman, 165 W Madison Avenue, Milton, WI 53563 Craig A Bunker, 218 Vernal Avenue, Milton, WI 53563 John E & Linda W Cook, 221 W Madison Avenue, Milton, WI 53563 Theresa M Cummings, 214 W Madison Avenue, Milton, WI 53563 James S & Anita L Day, 27 S John Paul Road, Milton, WI 53563 Susan M Fisher, 157 W Madison Avenue, Milton, WI 53563 Thomas J Fugate, 22 Third Street, Milton, WI 53563 Gnade LLC, 115 S Third Street East, Fort Atkinson, WI 53538 Otis D Hawkins, 232 W Madison Avenue, Milton, WI 53563 Dolores Hergert, 19 Third Street, Milton WI 53563 Michael J Hoffman, 34 Third Street, Milton, WI 53563 Jeremy Howard, PO Box 323, Milton, WI 53563-0323 William C & Dawn M Lock, 28 S John Paul Road, Milton, WI 53563 Susan M Mason, 1816 Eastwood Avenue, Janesville, WI 53545-2608 Paul L & Sundy B McMurray, 160 W Madison Avenue, Milton WI 53563 Milton Junction Cemetery Association, 164 Northside Drive, Milton WI 53563 Lee T & Tracey Morehart, 14 S John Paul Road, Milton, WI 53563 Jolean M Morrrison, 168 W Madison Avenue, Milton, WI 53563 Kevin E & Donna M Outland, 14 Third Street, Milton, WI 53563 Corey J Passer, 13 N John Paul Road, Milton, WI 53563 Patricia A Pastorius, 16 N John Paul Road, Milton, WI 53563-1215

Robert D & Julie M Patrick, 5418 N Sweetbriar Drive, Milton, WI 53563
Terry L & Pamela J Stritzel, W5524 Tri County Road, Whitewater, WI 53190
Jerome E & Katherine A Tipping, 30 Third Street, Milton, WI 53563
Phillip & Lois Watson, 313 E High Street, Milton, WI 53563
Judith A Wenham, 110 Orchard Row, Milton, WI 53563

Mayor, Anissa M. Welch
City Administrator, Al Hulick
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Ald Theresa Rusch
Ald Maxine Striegl
Ald. Jeremy Zajac

Zoning Board of Appeals: Chair James Polarski, Theron Dosch, Ken Holland, Thomas Kevern, Carl Schultz, Bruce Lippincott (Alt #1) and Larry Laehn (Alt. #2)

Plan Commission Members: Mayor Anissa Welch, Nancy Lader, Ethel Himmel, Nancy Lader, Dave Ostrowski, Bob Seales, Frank Green, and Howard Robinson.

Individuals who are unable to attend the Public Hearing may submit comments to:

MAIL: Milton City Hall, 710 S. Janesville Street, Milton WI 53563

E-MAIL: ehilby@milton-wi.gov or hrobinson@milton-wi.gov

PHONE: 868-6900 Ext. 422

FAX: 868-6927

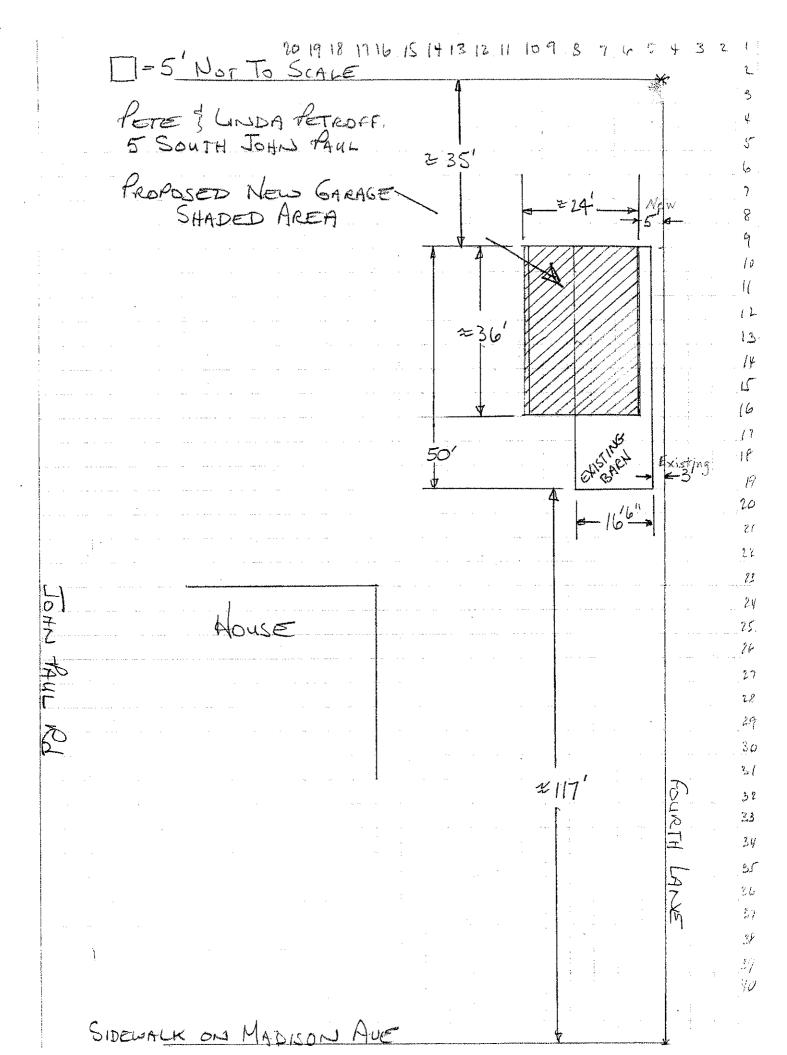




City of Milton Application and Record

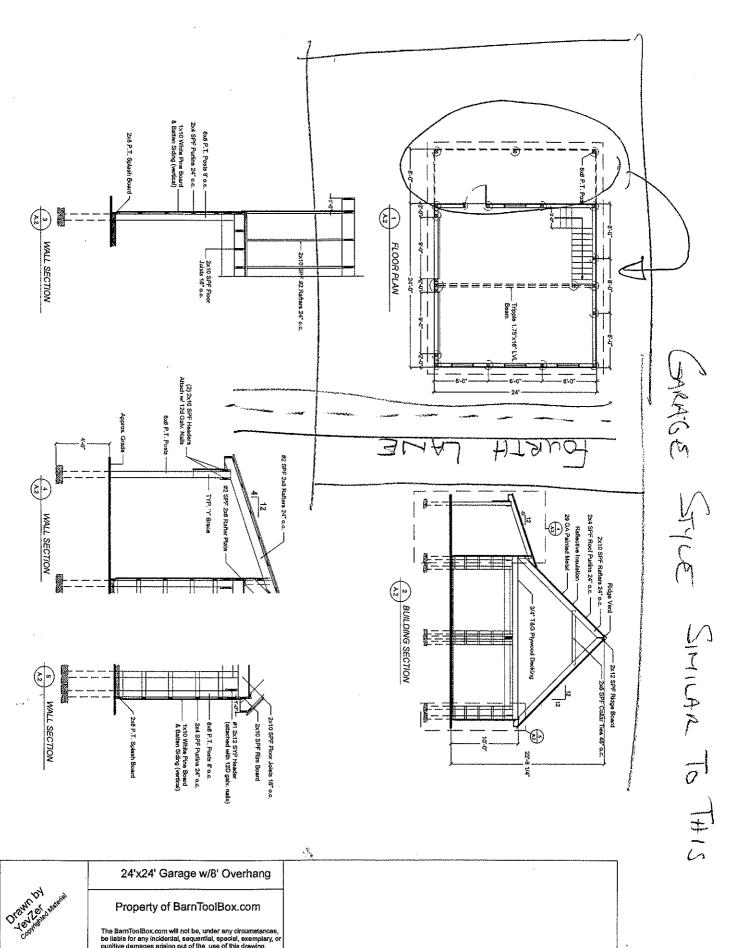
Application Date:		Date to be Reviewed by Plan Commission	n: <u>NIA</u>
Applicant Name/Agent:		Date to be Reviewed by Common Council	: <u>NIX</u>
Owner of Property:	PETER & LINDATETER	CF Date to be Reviewed by Zoning Board of	Appeals: <u>10 -5 -15</u>
Business Name:		Fee Required:	Date Paid
Address:	5 SOUTH JOHN PAUL RE	Conditional Use Permit \$250.00	
City/State/Zip:	MILTON W1 53563	Rezoning \$250.00	
Telephone:	608 868 7471		
Email:		Variance \$250.00	
Reason for Request/Ap	ppeal or Reason Permit was Refused: _		
		A 25' SIDE YAR	D St 6401
		proge are residential garage	
		ON EXISTING OR	
	ING FOOT PRINT		
Address: 5 S	Property Location out of John Paul	Rd MILTON WI	
Description of Premise	(Including Existing and Proposed Buildings)	DRAWING ATT	ACHED
Current Zoning: (circle	one) A1 A2 B1 B2 B3 C1 C2	M1 M2 MR R1 R2 R3 R4 PUD) SP
Proposed Zoning: (circl	<i>)</i>	M1 M2 MR R1 R2 R3 R4 PUI) SP
Present Use:	ESIDENTIA C		
Proposed Use:	ESIDENDAL		
Present Occupancy:	SNGL FMLY Propo	osed Occupancy: SNGL FA	114
Name of Proposed Sub			
Surveyor's Name:		ess:e feet or acres)	ANNEY (ALAPPA) ANTO TO THE ANNO AND

Lot Size of Preliminary Land Division:	Lot Size of Final Land Division:			
Building Setback Front://7 /	Side:	Rear: 75'		
Building Setback Corner:	Side:	_ Rear:		
Number of Stories:	Number of Rooms:	Height: == 23 '		
Architect:				
Off Street Parking:				
Estimated Cost of Work:				
The undersigned hereby agrees that the foregoing information is true and accurate, and that if this permit or request is granted, all work will be done in accordance with this application and all the Ordinances of the City of Milton. Applicant Signature: Print Name:				
Recommendations by Director of Public Works:	would recomenda,	provol. The		
current sarage is in need of replacement and or extensive repairs.				
The lot has street front ose on Is.				
because the wo. Id need to be 25' from				
The center of the lot is slayed on	,			
problems to the home it constructed as a preexistry condition where the Filed this 10 day of Sept	din the center of the sorose is currently of			
Director of Public Works / Building Inspector, Howard Ro	Dobinson 5°	the frantise of the orase near 4th lane. ie proposed garage is		
Elema Hill City Clerk, Michelle Ebbert	also The	street which olds		
Publication Date: 9-24-15	to c	ht of the proposed se allows the owners antince to store ent have maintonance oment they presently		
	Store	, ney presently		



PETROFF 5 SOUTH JOHN PAUL Rd

The BarnToolBox.com will not be, under any be liable for any incidental, sequential, spec punitive damages arising out of the use of t







Office of the Public Works Director

To:

Zoning Board of Appeals

From:

Howard Robinson, Director of Public Works

Date:

October 5, 2015

Cc:

Mayor Welch, Common Council Members

Subject: Variance - City of Milton, 426 Parkview Drive

The City of Milton Public Works/Water Department is requesting a setback reduction to allow for the construction of a new well #2 building at the current well #2 site located at 426 Parkview Drive (S. Goodrich Park).

The setback request is for a 10' side yard and 10' front yard setback. The current regulations require a 25' setback. The current building does not meet modern setback requirements.

Current DNR regulations require us to reconstruct the building and to also separate the chemical room from the well equipment. This separation and modernization also enhances worker safety.

The Historic Preservation Committee has approved the appearance and location contingent on Plan Commission Site Plan approval and a variance being granted.

Well #2 is a well that is part of the regular water system but does need the required updates to the size and layout of the building. If granted a variance this work is planned to be completed in 2016.

Staff Recommendation

To grant a Variance to the City of Milton to allow for the setback reduction.

Attachments

- Notice of Public Hearing
- Application for a Variance
- Site Plan Materials



NOTICE OF PUBLIC HEARING

The City of Milton Zoning Board of Appeals will hold a public hearing on Monday, October 5, 2015, at 5:00 p.m. in the City Hall Conference Room located at 710 S. Janesville Street, to consider a request received from the City of Milton for a Variance to allow a corner lot setback reduction (Sec. 78-404). This property is located at 426 Parkview Drive. This property is zoned R-3 (Residential).

Code of Ordinance Sec. 78-404(6) A corner lot setback is 25 feet from all street lines.

All interested persons or their agents will be heard at said hearings after which final determinations will be made. This notice is given under Section 78 of the Municipal Code of Ordinances. Notice of Public Hearing is mailed to property owners within 250 feet of the subject property. The distance is measured from all corners of the subject property.

James Polarski, Chairman

Request received in office: 09/11/2015 Published in The Milton Courier: 09/24/2015 Notices mailed to the following: 09/15/2015

Ronald A Ambrose, 210 S. Janesville Street, Milton WI 53563 Jeffrey L & Kathleen A Arndt, 5347 N Scharine Rd, Whitewater WI 53190 Arndt Investments LLC, PO Box 156, Janesville, WI 53547-0156 Ekrem Ashiku, 315 Parkview Drive, Milton, WI 53563 BAC Milton LLC, 800 Sherman Ave E, Fort Atkinson, WI 53538 Bank of Milton, PO Box 217, Milton, WI 53563 Jason M & Kelly K Battersby, 517 Parkview Drive, Milton, WI 53563 Melissa G Becker Trust, 525 Junction Road, Suite 2000, Madison, WI 53717 Lucky A & Tamara Beltz, 718 Mc Ewan Lane, Milton, WI 53563

Lori R Blum, 710 Mc Ewan Lane, Milton, WI 53563

Donald E & Linda K Borgwardt, 646 E High Street, Milton, WI 53563

Jason C Campbell, 711 E High Street, Milton, WI 53563

Dustin P Couey & Heather N Schewe, 724 Mc Ewan Lane, Milton, WI 53563

Dora Cove Trust, 926 E High Street, Milton, WI 53563

John J Dubats, 311 Parkview Drive, Milton, WI 53563

Michael J & Amy E Eckert, 655 E High Street, Milton, WI 53563

Bernerd Elmer, 4622 E Bingham Road, Milton, WI 53563

First Congregational Church 741 E High Street, Milton, WI 53563

Douglas A Goodger, 652 E High Street, Milton, WI 53563

Robert & Emily Grabow, 1233 Grace Street, Janesville, WI 53545

Michael C & Lynda D Hakala, 103 Wallace Way, Milton, WI 53563

Ryan & Angelie K Harrison, 322 S Janesville Street, Milton, WI 53563

Vicki L Heritage, 730 Mc Ewan Lane, Milton, WI 53563

Thomas & Daniallee Hill, 640 College Street, Milton, WI 53563

Ryan W & Kathleen T Holbrook, 820 E High Street, Milton, WI 53563

Holtz Realty LLC, 4330 E Rotamer Rd, Janesville, WI 53546

John H & Rebecca Kordatzky, 3 E Madison Avenue, WI 53563

Victoria Linkous & Tami Tishler, 4901 Whitehorse Drive, Greensboro, NC 27410-9548

LVW Properties LLC, 268 Carriage Hill Drive, Aurora, IL 60506 Paul L & Susan K Millard, 412 S Janesville Street, Milton, WI 53563 Milton East Elementary School, 448 E High Street, Milton, WI 53563 Minich Development LLC, 7712 N Pineview Drive, Edgerton, WI 53534 John A & Gail E Nordlof, 8844 N Dix Drive, Milton, WI 53563 John A & Gail E Nordlof, 302 S Janesville Street, Milton, WI 53563 Lauren M Otto, 723 E High Street, Milton, WI 53563 Felicia R Parnes, 717 E High Street, Milton, WI 53563 R&B Properties LLC, 880 Mc Ewan Lane, Milton, WI 53563 Floyd & Barbara Salter, 190 Sewilo Hills Drive, Rochester, NY 14622-1778 John F Schultz, 733 E High Street, Milton, WI 53563 Gary D & Hermina Snorek, 330 S Janesville Street, Milton, WI 53563 Dennis Robert & Cathy J Steele, 310 S Janesville Street, Milton, WI 53563 Theodore F Sykora, 649 College Street, Milton, WI 53563 Dean R Teuscher Rev Trust, 392 Fairway Drive, Milton, WI 53563-1368 TLC Restorations LLC, 635 Greenman Street, Milton, WI 53563 Jason M & Shilo R Vierck, 518 Parkview Drive, Milton, WI 53563 Joseph W & Vallerie Volk, 910 W Delavan Drive, Janesville, WI 53546 Donald R. Ward, 740 Mc Ewan Lane, Milton, WI 53563-1705 James E Warren, 4401 N County KK, Milton, WI 53563 Woodman Suvivor's Trust, 406 Matterhorn Drive, Verona, WI 53593 Stephen E & Cindy L Wright, 376 W Sunset Drive, Milton, WI 53563

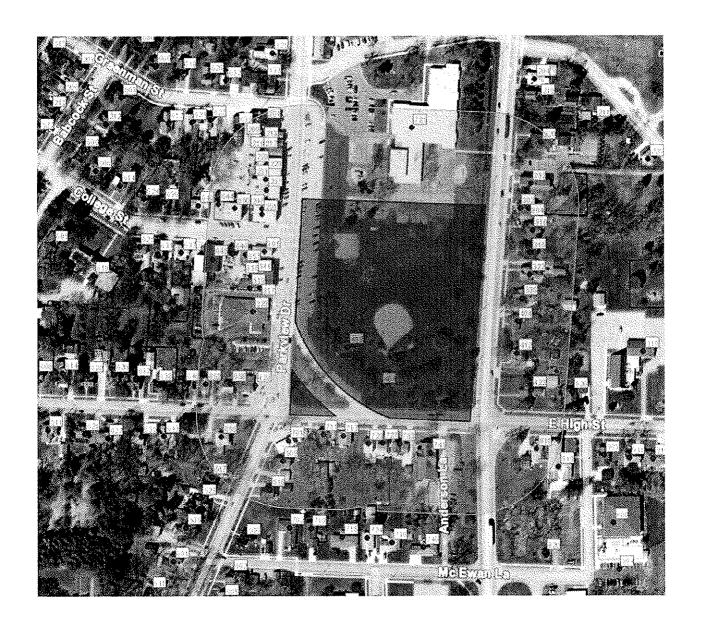
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Zoning Board of Appeals: Chair James Polarski, Theron Dosch, Ken Holland, Thomas Kevern, Carl Schultz, Bruce Lippincott (Alt #1) and Larry Laehn (Alt. #2)

Plan Commission Members: Mayor Anissa Welch, Nancy Lader, Ethel Himmel, Nancy Lader, Dave Ostrowski, Bob Seales, Frank Green, and Howard Robinson.

Individuals who are unable to attend the Public Hearing may submit comments to:

- MAIL: Milton City Hall, 710 S. Janesville Street, Milton WI 53563
- E-MAIL: ehilby@milton-wi.gov or hrobinson@milton-wi.gov
- PHONE: 868-6900 Ext. 422



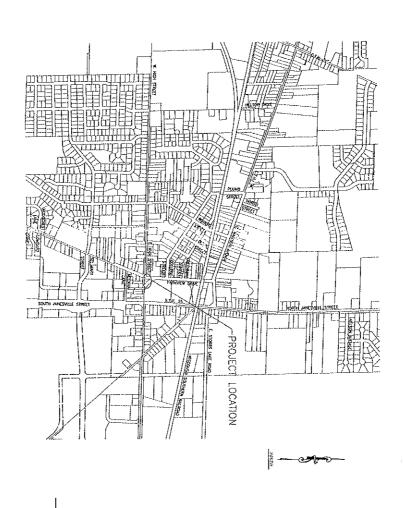


City of Milton Application and Record

Application Date:	9/11/15	Date to be Reviewed by Plan Commission:	NA	
Applicant Name/Agent:	Public Westers Dest, Howard Advins	Date to be Reviewed by Common Council:	AJU	
Owner of Property:	City of Wilton	Date to be Reviewed by Zoning Board of A	ppeals: <u>10-5-15</u>	
Business Name:	City of Millon Water Dgot	Fee Required:	Date Paid	
Address:	710 S. Janesville St.	Conditional Use Permit \$250.00		
City/State/Zip:	Milyon WI 57563	Rezoning \$250.00		
Telephone:	608-868-6814			
Email:	hrobinson comilton-wigor	Variance \$250.00		
25'setback a	ppeal or Reason Permit was Refused: 1	area. The new buildin	9	
is also 15' fra	n the proportyline.			
Address: 42 Legal Description:	6 Parkvein Prive			
	(Including Existing and Proposed Buildings): _			
Current Zoning: (circle o	one) A1 A2 B1 B2 B3 C1 C2 I	M1 M2 MR R1 R2 R3 R4 PUD	SP	
Proposed Zoning: (circle	e one) A1 A2 B1 B2 B3 C1 C2	M1 M2 MR R1 R2 R3 R4 PUD	SP	
Present Use: Well	1#2 operations, and f	Park	<u>_</u>	
Proposed Use: We /	1 # 2 operations and P	ark		
	Soll #2, Propose			
	division: NA			
Surveyor's Name: NA Address: NA Property Lot Size: 5.92 acres (square feet or acres)				
rropeny Lot Size:	(square 16	eet of actes)		

Lot Size of Preliminary Land Division:	Lot Size of Final Land Division:			
Building Setback Front: 4prex 15'	Side: <u>Aprex 20'</u> Rear: <u>over 300'</u>			
•	Side: over 30' Rear: NA			
Number of Stories:	Number of Rooms: 3 Height: Less than 20			
Architect: Baxter Woodman	General Contractor: City of Milton			
Off Street Parking: <u>VA</u>	Number of Stalls:A			
Estimated Cost of Work:	-			
The undersigned hereby agrees that the foregoing information is true and accurate, and that if this permit or request is granted, all work will be done in accordance with this application and all the Ordinances of the City of Milton. Applicant Signature: Mount of Robinson, Dir. Public Works				
The well building needs to be replacement the safety conditions for workers at	completed of its present location. red to meet current DNR standards. t. The new building will also modernize The facility. Aproval will allow the well to exerct as a			
Filed this // day of 550 +	,20 15 resular part at the			
	The well building			
Stown More Director of Public Works / Building Inspector, Howard Ro	the well building has received agreeul			
	the well building has received appearant binson for appearance by the			







The state of the s

CASE DIGGERS HOTCHNE
1-800-242-8511
TOLL FACE
PARTIES TO THE PARTI

BAXTER & WOODMAN, INC. STATE OF WISCONSIN -- PROFESSIONAL DESIGN FIRM LICENSE NO. -- 484-001 -- EXPIRES 1/31/2016

PROJECT MANAGER

PROJECT ENGINEER

PROJECT NO.: 140772

ELECTRICAL ENGINEER

